

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

282 LAVISTA LLC,

Plaintiff,

vs.

UNITED STATES LIABILITY INSURANCE
INSURANCE COMPANY,

Defendant.

:
: CIVIL ACTION
:
: No. 7:24-cv-5941
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: **NOTICE OF REMOVAL**
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TO: Clerk of the Court
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446, Defendant United States Liability Insurance Company (“USLI”) hereby removes this action from the Supreme Court of the State of New York, County of Rockland, where this action is currently pending, and respectfully states as follows:

1. On or about May 28, 2024, Plaintiff 282 Lavista LLC, commenced this action by filing a Summons and Complaint against USLI in the Supreme Court of the State of New York, County of Rockland, under Index No. 032928/2024. *See* Declaration of Christopher Soley (“Soley Decl.”), Ex. A.

2. USLI received first notice of the summons and complaint on July 12, 2024 by means of an email sent from Plaintiff’s attorneys, Molod Spitz & DeSantis, P.C. *See* Soley Decl., Ex. A.

3. Based on its records, USLI did not receive service of Plaintiff's Summons and Complaint prior to July 12, 2024. *See* Soley Decl., ¶¶ 3-4; Declaration of Carol K. Bobrowski, ¶¶ 1-5.

4. USLI filed its Answer and Affirmative Defenses in response to the Complaint on August 1, 2024. A true copy of USLI's Answer and Affirmative Defenses is attached hereto as Exhibit 1.

5. Pursuant to 28 U.S.C. § 1332, this Court has original jurisdiction of this action, which is removable to this Court pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

6. Pursuant to 28 U.S.C. § 1446, this Notice of Removal is being filed within the 30-day time limit for removal.

7. Upon information and belief, Plaintiff is a limited liability company duly organized and existing under the laws of the State of New York with its principal place of business in New York. *See* Soley Decl., Ex. A, Complaint at ¶ 1.

8. USLI is a corporation organized and existing under the laws of the State of Nebraska with its principal place of business in Wayne, Pennsylvania.

9. Upon information and belief, Plaintiff's members are residents of or are domiciled in states other than Nebraska and Pennsylvania.

10. Diversity of jurisdiction existed at the commencement of this case and continues to exist on the date of the filing of this Notice.

11. Based on the allegations of the Complaint, the amount in controversy in this case is more than \$75,000, exclusive of interest and costs. In this regard, Plaintiff has demanded judgment against USLI, seeking to recover alleged damages of at least \$141,030.31. *See* Soley Decl., Ex. A, Complaint at ¶¶ 13, 15.

12. Pursuant to 28 U.S.C. § 1391(b), venue is proper in this District because this action is currently pending in the Supreme Court of the State of New York, County of Rockland, and a substantial part of the events or omissions allegedly giving rise to the claim occurred in this District.

13. Pursuant to 28 U.S.C. § 1446(d), USLI will file a Notice of Filing of Notice of Removal with the Supreme Court of the State of New York, County of Westchester.

Dated: August 5, 2024
New York, New York

SAIBER LLC
132 West 31st Street, 9th Floor
New York, New York 10001
(332) 240-1350
Attorneys for Defendant
United States Liability Insurance Company

By: /s/Vincent J. Proto
VINCENT J. PROTO

CERTIFICATE OF SERVICE

I hereby certify that, on August 5, 2024, I electronically filed the foregoing Notice of Removal and accompanying exhibit with the Clerk of the Court using the CM/ECF system. I further certify that I caused a copy of the foregoing to be served by electronic mail upon Plaintiffs' counsel, Jack Glanzberg, Esq., Molod Spitz & DeSantis, P.C., 1430 Broadway, 21st Floor, New York, New York 10018, jglanzberg@molodspitz.com.

/s/Vincent J. Proto

Vincent J. Proto